

### REMARKS

This Amendment is fully responsive to the final Office Action dated October 10, 2008 issued in connection with the above-identified application. A request for continued examination (RCE) accompanies this Amendment. Claims 1, 2, 5-15, 17-20, 22 and 23 were previously pending in the present application. With this Amendment, claims 1, 5, 7, 10-14, 17, 19, 22 and 23 have been amended, claims 2 and 6 have been canceled without prejudice or disclaimer to the subject matter therein, and claim 24 has been added. Accordingly, claims 1, 5, 7-15, 17-20 and 22-24 are now pending in the present application. No new matter has been introduced by the amendments made to the claims or by the new claim added. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1, 2, 5-11, 14, 15, 17-20, 22 and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (U.S. Publication No. 2005/0039111, hereafter "Abe") in view of Alexander (U.S. Patent No. 6,177,931, hereafter "Alexander").

As noted above, claims 2 and 6 have been canceled, thereby rendering the rejection to those claims moot. The Applicants have amended independent claims 1, 14 and 19 to help further distinguish the present invention from the cited prior art. For example, claim 1 (as amended) recites the following features:

    "[a] delivery system comprising:

        a delivery apparatus which delivers a program,

        a receiving apparatus which receives the program, and

        a plurality of communication apparatus each communicating with said receiving apparatus via a communication network,

        said receiving apparatus including:

                a tag unit operable to mark a specific portion of the received program or an object that appears in the program;

                a second transmission unit operable to transmit tag information concerning the marked object to at least one of said plurality of communication apparatuses; and

a first transmission unit operable to transmit, to said delivery apparatus, transmission history information indicating a history concerning the transmission of the tag information to the at least one of said plurality of communication apparatuses by said second transmission unit, and

said delivery apparatus including:

a first receiving unit operable to receive the transmission history information transmitted from said first transmission unit of said receiving apparatus; and

an analysis unit operable to count, based on the transmission history information, frequency of the transmission of the tag information for each program or object and specify a program or object with a high marking frequency,

wherein said receiving apparatus and said plurality of communication apparatuses are used by users when viewing the program delivered by said delivery apparatus.” (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 14 and 19 (as amended). Additionally, the features emphasized above are fully supported by the Applicants’ disclosure (see e.g., pg. 6, lines 1-20 and pg. 24, lines 1-7 of substitute specification).

The present invention, as recited in independent claims 1, 14 and 19, is distinguishable over the cited prior art in that the delivery system counts the frequency of the transmission of the information from one viewer system to another viewer system, thereby achieving the advantageous effect of one viewer introducing a product to another viewer. Additionally, the delivery system includes a receiving apparatus and a plurality of communication apparatuses used by users when viewing the program delivered by the delivery apparatus. No such features are believed to be disclosed or suggested by the cited prior art.

In the Office Action, the Examiner relies on Abe in view of Alexander for disclosing or suggesting all the features recited in independent claims 1, 14 and 19. The Applicants assert that Abe in view of Alexander fails to disclose or suggest all the features recited in independent claim 1, 14 and 19 (as amended).

Abe discloses a program ancillary data processing apparatus that facilitates access to information by a viewer. However, as correctly noted by the Examiner, Abe fails to disclose or suggest the claimed features of the analysis units or steps of the present invention (see Office Action, pg. 4). Additionally, the Examiner does not address whether Abe discloses or suggests the claimed features directed to a delivery system that includes a receiving apparatus and a plurality of communication apparatuses used by users when viewing the program delivered by the delivery apparatus.

Thus, the present invention (as recited in claim 1, 14 and 19, as amended) is clearly distinguished over Abe for at least the reasons noted above. Additionally, after a detailed review of Alexander, the reference fails to overcome the deficiencies noted above in Abe.

In the Office Action, the Examiner relies primarily on Alexander for disclosing or suggesting the features of the analysis units or steps similarly recited in claims 1, 14 and 19.

However, Alexander discloses a system and method for improved viewer interaction with an electronic programming guide, which includes analyzing profile information on a viewer-by-viewer basis. The profile information is transmitted to a computer at the head-end of television distribution, which corresponds to the delivery system of the present invention (see col. 29, line 1-21). After the transmission is complete, a comparison is made among the profile information of the viewers to analyze subjects that may attract interest (see col. 30, lines 1-44).

However, as noted above, Alexander merely discloses receiving information from each viewer and making a comparison among the received information, and fails to disclose or suggest transmitting information from one viewer system to another viewer system.

On the other hand, the present invention, as recited in claims 1, 14 and 19, counts frequency of the transmission of the information from one viewer system to another viewer system, thereby achieving the advantageous effect of one viewer introducing a product to another viewer. Finally, the Examiner does not address whether Alexander discloses or suggests the claimed features directed to a delivery system that includes a receiving apparatus and a plurality of communication apparatuses used by users when viewing the program delivered by the delivery apparatus.

Based on the above discussion, no combination of Abe and Alexander would result in, or otherwise render obvious, independent claims 1, 14 and 19 (as amended). Likewise, no combination of Abe and Alexander would result in, or otherwise render obvious, claims 5, 7-11, 15, 17-20 and 22-24 at least by virtue of their respective dependencies from independent claims 1, 14 and 19.

In the Office Action, claims 12 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Abe and Alexander, and further in view of Baji et al. (U.S. Patent No. 5,027,400, hereafter "Baji"). Claims 12 and 13 depend (indirectly) from independent claim 1. As noted above, Abe and Alexander fail to disclose or suggest all the features now recited in independent claim 1. Moreover, Baji fails to overcome the deficiencies noted above in Abe and Alexander. Accordingly, no combination of Abe, Alexander and Baji would result in, or otherwise render obvious, claims 12 and 13 at least by virtue of their dependencies from independent claim 1.

In light of the above, the Applicants respectfully submit that all the claims pending in the present application are now patentable over the prior art of record. Additionally, the Applicants respectfully request the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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